

CHAPTER 2 CASE MANAGEMENT

Rule 5.2.1

Case Assignment for All Purposes.

A. Notice of Assignment. New cases are assigned to a specific judicial officer for all purposes. The petitioner will receive a notice of case assignment when the petition is filed. A copy of the notice of case assignment must be served on the respondent with the petition.

B. Notice of Reassignment. All case reassignments initiated by the court as a result of the change of a judicial officer in a department are posted online and in the courthouse lobbies approximately thirty days in advance of the reassignment.

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2008; Rev. 1/1/2009; Rev. 1/1/2010; Rev. 1/1/2012; Rev. 1/1/2013; Rev. 1/1/2014; Rev. 1/1/2015)

Rule 5.2.2

Family Case Resolution Conference (FRC) and Self-Represented Family Case Resolution Conference (SFRC). (See *Family Center Case Resolution Process-General Information* (form SDSC D-080) for additional information)

A. Scheduling and Service of Notice of FRC or SFRC (collectively referred to as “conference(s)).

1. The court will set an initial FRC or SFRC hearing date and issue a *Notice of Hearing* of the conference at the time the petition is filed.

2. The petitioner must serve the respondent with a copy of the notice along with the petition. Petitioner must also serve a copy of the notice on all parties or their attorneys of record who have made an appearance in the case before the scheduled conference.

3. Subsequent conferences may be set and noticed by the court.

B. Attendance.

1. **FRC.** All parties or their counsel must appear at the conference either in person or by telephone, unless otherwise ordered by the court. See Rule 5.2.6 for the procedures for all telephonic appearances.

2. **SFRC.** All noticed parties must personally attend the conference, unless otherwise ordered by the court.

C. Alternative Dispute Resolution (ADR) and Reconciliation. Parties who file a stipulation prior to the conference indicating they are participating in ADR or attempting reconciliation will be exempt from the conference for six months. If a judgment or dismissal is not filed within six months of the filing of the stipulation, the parties will be required to attend the noticed conference.

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2008; Rev. 1/1/2009; Rev. 1/1/2010; Rev. & Renum. 1/1/2012; Rev. & Renum. 1/1/2013; Rev. 1/1/2014; Rev. 1/1/2015; Rev. 1/1/2016)

Rule 5.2.3

Alternative Dispute Resolution (ADR). Except in cases involving domestic violence, ADR is encouraged but voluntary.

A. Mediation or Arbitration. Before participating in mediation or arbitration, the parties must file with the court a written and signed stipulation.

B. Collaborative Law Process.

1. **Stipulation.** Before participating in the collaborative law process, the parties must file with the court a signed stipulation pursuant to Family Code section 2013.

2. **Designation.** The words "Collaborative Case" must be included below the case number in the case caption of every document filed with the court.

3. **Termination.** The case may be removed from the collaborative process either by filing a signed stipulation by both parties or by either party by filing and serving a notice of termination. Termination of the process does *not* require good cause. After filing the stipulation or notice of termination, the clerk will schedule an FRC or SFRC and notify the parties of the date.

C. Privately Compensated Temporary Judge. A request for the appointment of a privately compensated temporary judge must be directed to and granted by the supervising judge of the family law division.

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2007; Rev. 1/1/2008; Rev. 1/1/2009; Rev. 1/1/2010; Rev. 1/1/2012; Rev. & Renum. 1/1/2013; Rev. 1/1/2014; Rev. 1/1/2015; Rev. 1/1/2016)

Rule 5.2.4

Related Cases. Parties must file and serve a notice of “related case,” as defined by California Rules of Court, as soon as possible upon learning of the existence of a related case. The court encourages the use of the *Notice of Related Case* (Judicial Council form CM-015). (Adopted 1/1/2013; Rev. 1/1/2015)

Rule 5.2.5

Mandatory Settlement Conference (MSC).

A. Setting MSC Date. The MSC will be set only when all parties and/or their attorneys have completed, signed and filed the *Joint Readiness Declaration–Mandatory Settlement Conference* (form SDSC D-274).

B. Settlement Conference Brief.

1. Unless otherwise ordered by the court, a settlement conference brief is mandatory. The contents of the settlement conference brief must include all the information required for a trial brief as set forth in the California Rules of Court. Parties may use the optional form *Mandatory Settlement Conference Brief* (form SDSC D-241).

2. The settlement conference brief and all attachments must be exchanged between the parties and served on the settlement conference attorney in a manner that ensures they are received no later than 4:00 p.m., three court days before the MSC, unless otherwise ordered by the court.

C. MSC Confirmation. No later than ten calendar days before the scheduled MSC, parties must call the court to confirm that the MSC will go forward and to receive the name and address of the settlement conference attorney.

D. Continuances and Sanctions. An MSC may be continued only by court order, requested at least five court days before the scheduled date for the MSC. Failure to timely request a continuance, for any reason, other than the settlement of the entire case, is good cause for imposing sanctions.

E. Personal Appearance and Sanctions. All parties must personally appear at the MSC unless excused in advance by the court. Failure to personally appear at the MSC is good cause for imposing sanctions. (Adopted 2005; Rev. 2006; Rev. 1/1/2007; Rev. 1/1/2008; Rev. 1/1/2009; Rev. 1/1/2010; Rev. 1/1/2011; Rev. 1/1/2012; Rev. & Renum. 1/1/2013; Rev. 1/1/2014; Rev. 1/1/2015; Rev. 1/1/2016)

Rule 5.2.6

Telephone Appearances in Family Court.

A. An appearance by telephone requires a court order for all hearings except an FRC. (See Rule 5.2.2)

B. All non-ADA requests for a telephone appearance, at hearings other than an FRC, must be made on the *Request to Appear by Telephone and Order* (form SDSC D-259). The request must be filed with the court and served on all parties at least ten court days before the scheduled hearing.

C. All telephonic appearances must be made through CourtCall. All arrangements for a telephonic appearance are the obligation of the attorney or party who intends to appear by telephone. CourtCall can be contacted at (888) 882-6878 or at <http://www.courtcall.com>. (Adopted 1/1/2007; Rev. 1/1/2008; Rev. 1/1/2010; Rev. 1/1/2012; Rev. & Renum. 1/1/2013; Rev. 1/1/2014; Rev. 1/1/2015)